

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LORENZO SANDOVAL,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C05-5395FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter arose from Petitioner's filing a personal restrain petition to challenge a general infraction he received under the Washington State Prison Rules. Petitioner was found guilty of not showing up for work, and he received a written reprimand and a warning, which do not include a loss of good time. Petitioner's excuse for not showing up for work was that he was given permission to use the law library on a priority basis. The Magistrate Judge recommended that this matter be dismissed as frivolous, because Petitioner has no liberty interest in avoiding a finding of guilt on a general infraction and he has no federally protected due process interest at stake.

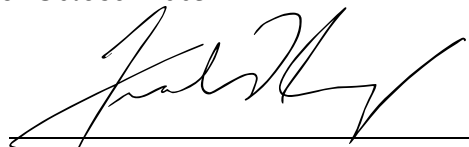
Petitioner filed objections and takes issue with the conclusion of no federally protected due process interest, asserting that there was a finding of guilt without evidence.

Petitioner's arguments lack merit, and the Magistrate Judge has cited the relevant authorities.

1 The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold
2 United States Magistrate Judge, objections to the Report and Recommendation, and the remaining
3 record, does hereby find and Order:

- 4 (1) The Court adopts the Report and Recommendation;
- 5 (2) The petition is **DISMISSED WITH PREJUDICE** for the reasons set forth in the
6 Report and Recommendation.
- 7 (3) The clerk is directed to send copies of this Order to Petitioner's counsel and to the
8 Hon. J. Kelley Arnold.

DATED this 19th day of October 2005.

9
10 

11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27